

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL LAWRENCE BRUNER)	
)	
Plaintiff,)	
)	
v.)	No. CIV-23-71-R
)	
LCRF LAW LIBRARY STAFF,)	
)	
Defendant.)	

ORDER

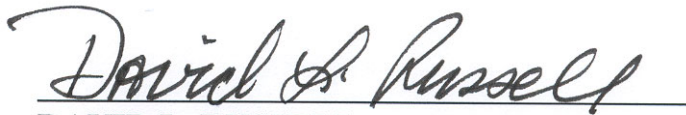
Plaintiff filed this action on January 20, 2023, alleging the violation of his constitutional rights. (Doc. No. 1). Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) the matter was referred to United States Magistrate Judge Suzanne Mitchell (Doc. No. 4). On January 24, 2023, Judge Mitchell ordered Plaintiff to cure certain deficiencies, specifically requiring that he either pay the filing fee or seek leave to proceed *in forma pauperis* by February 13, 2023. (Doc. No. 5). Plaintiff filed a motion (Doc. No. 6) and on February 10, 2023, Judge Mitchell issued a Report and Recommendation wherein she recommended that the motion for leave to proceed *in forma pauperis* be denied in light of the balance in Plaintiff's institutional accounts. Thereafter Plaintiff submitted a letter to the Court indicating his belief that the Report and Recommendation inaccurately recited the balance of his institutional accounts. (Doc. No. 8).¹ The Report and Recommendation, however,

¹ The letter was addressed to the Clerk of Court and indicated that Plaintiff had submitted a filing fee for one of his prior cases and therefore no longer had the requisite funds to cover the filing fee in this case. This Court, however, has received no filing fees in any of Plaintiff's cases.

was based on the information provided by Plaintiff. His belief that he submitted \$402.00 in any of his cases is not supported by the Court's records or by the most recent statements he provided. As Plaintiff presents no basis for the Court to conclude that he does not have the ability to pay the filing fee, the Report and Recommendation is hereby adopted and his Motion for Leave (Doc. No. 6) is DENIED. Plaintiff shall submit the \$402.00 filing fee within fourteen days of entry of this Order. Failure to do so will result in dismissal of this case without prejudice.

Plaintiff also submitted a letter on March 13, 2023, asserting that Defendants in each of his cases are in default. (Doc. No. 9). Because the issue of Plaintiff's filing fees has not been resolved, none of the Defendants in any of his cases has been served with process. Indeed, pursuant to the Court's Local Civil Rule 3.3(d), these cases are only conditionally filed. None of the Defendants is obligated to respond to the litigation until such time as ordered to do so by the Court per Local Civil Rule 9.2(c) and accordingly, his request for the entry of default and the payment of money is DENIED.

IT IS SO ORDERED this 24th day of May 2023.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE